

SUMMARY OF STEERING COMMITTEE MEETING(S)

DATE: February 28, 2002

TO: Ross Dunfee, Steering Committee Chairman
Tony Barrett, Department of Ecology

COPY: Steering Committee Members and Consultant Team

FROM: Dave Moss, Tt/KCM

SUBJECT: **Summary of Steering Committee Meeting(s)**
Moses Lake Conference Center
February 14, 2002 9:00am - 10:00am & 2:00pm - 3:30pm

PROJECT: EASTERN WASHINGTON STORMWATER MANAGEMENT
Stormwater Management Technical Manual *and*
Model Municipal NPDES Phase II Stormwater Program

Morning Meeting Attendees

<u>Steering Committee</u>	<u>Others Attending</u>
Role call was not taken; this was a joint meeting for all in attendance, including the Steering Committee, Manual Subcommittee, and NPDES Phase II Subcommittee.	Ecology, project consultant team, agency representatives, other consultants and interested persons (see separate meeting summaries for lists of the day's attendees.)

PURPOSE OF MORNING (9:00am to 10:00am) MEETING:

The meeting was held, before the concurrent Subcommittee meetings, to share information and discuss key issues.

AGENDA FOR MORNING (9:00am to 10:00am) MEETING:

1. Welcome by Ross Dunfee; introductions by all attendees
2. Ecology's proposed (adjusted) timeline for 2003
3. Status of Industrial General Permit
4. Non-Point Source Workshop in Spokane on April 9-11 (EA WA team presentation on April 9 in afternoon)
5. Status of "1 acre threshold"
6. Status of HB2847

BRIEF SUMMARY OF PROCEEDINGS:

1. Ross Dunfee welcomed all in attendance and noted this "unscheduled" joint meeting (before the Subcommittee meetings), was felt to be important, based upon several key topics (as per the agenda listed above). All persons in the room introduced himself or herself.

2. Tony Barrett discussed Ecology's proposed delay of the schedule for finalizing the general permit. Ecology felt the second round of public review was key, and therefore the permit should be delayed until mid-2003, rather than by March 2003. The following comments and questions then resulted:
 - a. Why the delay? [due to importance of second round of public review]
 - b. Does a 2nd review, expect a 3rd review, etc? [no, 2nd is felt to be needed, and to be sufficient]
 - c. Why not accelerate? [seems not feasible; certainly very difficult]
 - d. Risk to municipalities not having a permit by "deadline"? [certainly not much risk to Ecology, but greater risk to municipalities for third party suit(s); something to consider, but seems to be a low risk]
3. Tony discussed the status of the Industrial General Permit, noting Ecology was in the process of updating it, and they wanted to refer to the Eastern Washington Stormwater Technical Manual, which of course was not yet completed. Ecology wanted not to have to revise the permit later, so was considering a way to avoid that. Tony had a copy of the proposed permit language for those who were interested and/or wanted to comment.
4. Ross noted there was a Non-Point Source Workshop in Spokane on April 9-11, 2002. A copy of the draft agenda was handed out to all. There were 4 main issues to discuss:
 - a. The Eastern Washington stormwater program is on the agenda for the afternoon on April 9. Who will represent our group? – Ross volunteered himself, Tony Barrett, John Knutson, Steve Worley, and Dave Moss. Greg Lahti, Chris Waarvick, and Lloyd Brewer also volunteered to assist.
 - b. What will we talk about/present? – That will be a topic for our March 14 meeting and beyond.
 - c. Is anyone else attending the Workshop on any or all of the days? – Less than 10 people said yes.
 - d. What day (and where) should we hold the April meeting? (which was scheduled for April 11 in Moses Lake). – Some suggested to keep the April 11 date in Moses Lake; others suggested to shift one day to April 12 in Moses Lake. Ross said he would consider and decide at the March 14 meeting.
5. Ross then moved on to the issue of the "1 acre threshold." At this time it has been decided that project sites less than 1 acre will not come under the NPDES requirements and will not be specifically addressed in the stormwater technical manual. This was based upon the Federal Register's threshold language and was also agreed to on two occasions by the Steering Committee. The following comments and suggestions resulted:
 - a. Any jurisdiction can make the threshold more stringent, based upon their local requirements.
 - b. Pollution generating impervious surface (PGIS) should be considered.
 - c. Should incorporate watershed-based considerations for threshold.
 - d. Consider a separate section for suggesting other thresholds.
 - e. Concerned about validation for 1 acre; consider an "issue paper" for this.
 - f. Spokane County does consider sites less than 1 acre.
 - g. Some felt it should just remain at the 1 acre threshold. There are legitimate differences with stormwater management for most of Eastern Washington; otherwise we might as well just adopt the Western Washington manual over here.

- h. There are lots of parcels less than 1 acre. If we hold to the 1 acre threshold in the Eastern Washington manual, then it might be used to defeat the Spokane County threshold of less than 1 acre.
 - i. Industrial-type sites may be less than 1 acre but should be considered.
 - j. It's not appropriate to say "you're too small to pollute."
 - k. Maybe leave "as is" for now, and consider again at a later date; during the review process.
 - l. Tony Barrett cautioned the Committee to truly consider the intent of the regulations, which was to protect water quality. This has often resulted in a threshold of less than 1 acre being regulated. Just as Bill Moore of Ecology had mentioned in a prior meeting, Tony reiterated that the thresholds suggested in the manual may not necessarily be required in the final permit. The manual should not just focus on the "letter of the law," but should include an analysis to determine what's appropriate. If the Committee does not intend to incorporate commonly accepted standards that will protect water quality, then Ecology may need to consider whether this effort is fundable (i.e., may need to "pull" the funds).
 - m. Is the stormwater manual (with thresholds) a "compliance" document, or a "guidance" document?
 - n. Many were concerned what all these issues mean in terms of cost and in time requirements?
 - o. It again was suggested we meet the minimum, including the minimum requirement to meet the deadline.
 - p. Ross summarized by stating this was a "consent" process, not a "consensus" process. He retained the "chair prerogative" and said the "1 acre minimum holds for now"; discuss further in the Subcommittees.
6. Ross finalized the morning's discussion on the topic of HB2847, which would create an independent science panel to review Ecology's Stormwater Manual for Western Washington by December 31, 2002. The bill would also create a statewide stormwater advisory committee, and require Ecology to analyze the costs and benefits of using the Stormwater Manual for Western Washington. Ross, and others, are lobbying to "pull" Eastern Washington out of the bill, so we can continue to remain independent, which seems appropriate.

Afternoon Meeting Attendees (Steering Committee / Management / Consultant Team):

<u>Steering Committee</u>	<u>Others Attending</u>
Ross Dunfee – Benton County	Tony Barrett – Ecology
Steve Worley – Spokane County	Dave Moss – TetraTech/KCM
Lloyd Brewer – City of Spokane	John Kosco – TetraTech
John Knutson – Yakima County	Jim St. John – DEA
Nancy Aldrich – City of Richland	Doug Busko – DEA
Tom Tebb – Ecology	
Jim Sietz – AWC	Several others were in attendance, after
Jim Ajax – City of Wenatchee	participating in the Subcommittee meetings
Michelle Brich – Tri-Cities Homebuilders	earlier in the day, however their names were
Dwane Van Epps – City of Chelan	not separately recorded for this meeting.
Gary Beeman – WSDOT (absent)	

PURPOSE OF AFTERNOON (2:00pm to 3:30pm) MEETING:

The meeting was held, after the concurrent Subcommittee meetings, to share information and discuss key issues.

AGENDA FOR AFTERNOON (2:00pm to 3:30pm) MEETING:

1. Roll call by Ross Dunfee; introductions by others attending
2. Review summary of prior month's meeting; approve
3. Distribute Project Schedule (for those who didn't have one; showing dates for 2002)
4. Summary of Subcommittee meeting discussion, by John Knutson (NPDES) and Steve Worley (Manual)
5. Newsletter No. 1; status of "issue paper" topics; FTP site status; benchmarking questionnaire status
6. Next meeting: date, time, place and agenda topics

BRIEF SUMMARY OF PROCEEDINGS:

1. Ross Dunfee completed a roll call for the 10 Steering Committee members, with Jim Seitz attending as an alternate, and Dwane Van Epps substituting for David Sypher. Even with Gary Beeman not attending, there were ten members present at the meeting. Others in the room introduced himself or herself.
2. Ross asked for comments/edits to the January 10, 2002 meeting summary; none were received.
3. Dave Moss distributed copies of the project schedule to those who wanted one.
4. John Knutson (chair of the Subcommittee for NPDES Phase II Model Program) summarized their meeting discussion, which is provided in a separate document. [In summary, John noted that: (a) drywells were of significant concern, so they are waiting for Ecology to discuss status and UIC/NPDES overlap; (b) reviewed Chapter 4; (c) next meeting will start review of Chapters 5 & 6; also Chapter 7; (d) may defer Chapter 1 to later; (e) uncertain whether thresholds are to be addressed in NPDES, or the MANUAL, or the PERMIT?]
5. Steve Worley (chair of the Subcommittee for Stormwater Management Technical Manual) summarized their meeting discussion, which is provided in a separate document. [In summary, Steve noted the Subcommittee had set aside the "threshold matrix" for now, and began an alternate discussion for thresholds and minimum requirements. As a place to start, the Western Washington and King County stormwater manuals were used. Steve also mentioned the Subcommittee had reviewed Chapter 5 – Infiltration and Detention Design.]
6. Ross Dunfee briefly discussed the status of the newsletter. Tony Barrett had a few edits, which all agreed would be included in the final version. The newsletter could then be posted on the Ecology website.
7. Ross referenced the NPDES Subcommittee's Questionnaire, and all agreed it was ready to go.
8. Ross referenced the Issue Papers, and brief discussion agreed they could proceed as is for now. [An "issue paper" listing is included on the next page.]
9. For Drywells, Steve Plummer said he had some data from Kennewick. There was also a question about whether drywell issue would be a: (1) risk-based application for future installations, or (2) retrofits of existing drywells, or (3) a combination of these two? It was noted that the UIC applies to the entire state of Washington, so we will await Ecology's discussion of drywells at the March 14 meeting in Moses Lake.

10. Tony mentioned the letter to potentially affected agencies had been sent. Tony also sent it to several environmental groups.
11. Ross discussed the possibility of needing to change the date and/or location of the April meeting. Tony confirmed that the Moses Lake meeting rooms were available on April 12 if the group decided to delay the meeting a day, from Thursday to Friday. Ross decided to wait until the March 14 meeting to decide.
12. For the **next meeting** (Moses Lake Conference Center on **March 14, 2002** from about 2 pm to 3:30 pm):
 - ❖ Ecology to discuss UIC status
 - ❖ Confirm agenda for April 9 NPS stormwater workshop in Spokane
 - ❖ Confirm date/time/place for April committee meetings
 - ❖ Hear summaries of the two Subcommittee meetings
 - ❖ Discuss status of “issue paper” topics
 - ❖ Hand out copies of Newsletter No. 1
 - ❖ Provide feedback on FTP site; consider changes that may be appropriate
 - ❖ Discuss process for incorporating review edits to the documents
 - ❖ Review status of Optional services, particularly 2nd public review and presentation materials
 - ❖ Review schedule; consider timing/locations/reservations for Open Houses

**Eastern Washington Stormwater Management
Issue Papers as of January 10, 2002**

The following issue papers are to be developed by researching readily available data, consulting with cities and state agencies, and reviewing other manuals. The consultant will then prepare a brief summary of the issues and possible options, and provide a recommendation for each.

1. Determine the area of pollutant generating impervious area that should be used as a threshold for requiring water quality BMPs on parcels 1 acre or larger. [If nothing is stated, then 1 square foot may trigger the design.]
2. Determine when/if flow control should be provided when discharging to surface waters. [Are certain named water bodies and/or sizes of water bodies not impacted by the increased flows and are therefore recommended for exemption from flow control?]
3. Develop guidelines for determining when new drywells should have pretreatment and when drywells should not be allowed. [The basis for these guidelines will be the research that Ecology and the cities have done for the Critical Aquifer Recharge Areas.]
4. Determine what size/type of storm should be utilized for a water quality storm and that would capture approximately 90% of the pollutants. [Options include: (a) percent of storm events, (b) percent of annual rainfall, and (c) percent of regular storms.]

Not accepted as an issue paper (at least at this time): Review rainfall erosivity waiver requirements in NPDES Phase II Small Construction Program to develop simplified waiver requirements for Eastern Washington sites between 1 acre and 5 acres.

Note: All Items above were recommended by the MANUAL Subcommittee, however Item #3 was also recommended by the NPDES Phase II Subcommittee.